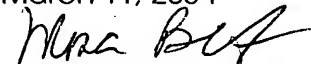




Patent Docket P1134R2C4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of</p> <p>Avi J. Ashkenazi et al.</p> <p>Serial No.: 10/688,132</p> <p>Filed: October 17, 2003</p> <p>For: DcR3 POLYPEPTIDE, A TNFR HOMOLOG</p>	<p>Group Art Unit: to be assigned</p> <p>Examiner: to be assigned</p> <p>Confirmation No:</p> <p>Customer No: 09157</p>
	<p>CERTIFICATE OF EXPRESS MAILING</p> <p>Express Mail Number: EV 351 932 242 US</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".</p> <p>March 11, 2004</p> <p></p> <p>Mona Beltran</p>

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 with 13 References;
3. Return postcard.

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Date: March 11, 2004

By:



Diane L. Marschang

Reg. No. 35,600

Telephone No. (650) 225-5416



Patent Docket P1134R2C4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi et al. Serial No.: 10/688,132 Filed: October 17, 2003 For: DcR3 POLYPEPTIDE, A TNFR HOMOLOG	Group Art Unit: to be assigned Examiner: to be assigned Confirmation No: CUSTOMER NO: 09157 CERTIFICATE OF EXPRESS MAILING Express Mail Number: <u>EV 351 932 242 US</u> <small>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".</small> <u>March 11</u> , 2004 <u>Mona Beltran</u> Mona Beltran
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

(X) **37 CFR §1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

☐ **37 CFR §1.97(c)**

- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) or a statement as specified in 37 CFR §1.97(e), as checked below.

☐ **37 CFR §1.97(d)**

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) and a statement as specified in 37 CFR §1.97(e), as checked below.

(If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.)

- ☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☐ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified).

A copy of item numbers 1-2, 32-40, 148 and 221 on PTO-1449 is supplied herewith.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. 10/456,819, filed June 6, 2003 and relied upon in this application for an earlier filing date under 35 USC §120.

Serial No.: 10/688,132
Filed: October 17, 2003

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A concise explanation of relevance of the items listed on PTO-1449 is:

☒ (X) not given

☐ given for each listed item

☐ given for only non-English language listed item(s) (Required)

☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: March 11 2004

By:

Diane L. Marschang

Diane L. Marschang

Reg. No. 35,600

Telephone No. (650) 225-5416

FORM PTO-1449

MAR 15 2004

U.S. Dept. of Commerce
Patent and Trademark Office

Atty Docket No.

P1134R2C4

Serial No.

10/688,132

LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

Applicant

Ashkenazi et al.

Filing Date

17 Oct 2003

Group

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Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	1	09/006,352	13.01.98	Gentz et al.			
	2	09/518,931	03.03.00	Gentz et al.			
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Examiner

Date Considered

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FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1134R2C4	Serial No. 10/688,132
LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)				Applicant Ashkenazi et al.	
				Filing Date 17 Oct 2003	Group

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	* 69	WO 99/14330	25.03.99	PCT			

Examiner	Date Considered
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